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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ankenbauer *et al.*

Confirmation No.: 4731

Serial No.: 09/856,850

Art Unit: 1637

Filed: September 19, 2001

Examiner: Young J. Kim

For: THERMOSTABLE ENZYME
PROMOTING THE FIDELITY OF
THERMOSTABLE DNA
POLYMERASES FOR
IMPROVEMENT OF NUCLEIC
ACID SYNTHESIS AND
AMPLIFICATION *IN VITRO*

Attorney Docket No.: 1803-279-999



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of :
- ☒ Each U.S. patent application publication and U.S. and foreign patent;
- ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
- ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
- ☐ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

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2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☐ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☒ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☒ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☒ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)*
- 8a. ☒ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150 (Order No. 1803-279-999).
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: November 26, 2003



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ATTY DOCKET NO.

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APPLICATION NO

09/856,850

APPLICANT

Ankenbauer et al.

FILING DATE

September 19, 2001

GROUP

1637,

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	YES	NO
A01	International Search Report for WO 01/23583	April 5, 2001	PCT					
A02	DE 198 10 879	Sept. 16, 1999	DE					
A03	EP 0 669 401	Aug. 30, 1995	EP					
A04	EP 0 744 470	Nov. 27, 1996	EP					
A05	EP 0 870 832	Oct. 14, 1998	EP					
A06	EP 1 088 891	April 4, 2001	EP					
A07	WO 94 23066	Oct. 13, 1994	PCT					
A08	WO 94 26766	Nov. 24, 1994	PCT					
A09	WO 98 45452	Oct. 15, 1998	PCT					
A10	WO 99 13060	Mar. 18, 1999	PCT					
A11	WO 00 68411	Nov. 16, 2000	PCT					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

A12	Ayoub Rashtchian, et al., "Uracil DNA Glycosylase-Mediated Cloning of Polymerase Chain Reaction-Amplified DNA: Application to Genomic and cDNA Cloning," <i>Analytical Biochemistry</i> (1992) 206(1): 91-97.
A13	Booth et al., "Assembly and Cloning of Coding Sequences for Neurotrophic Factors Directly From Genomic DNA Using Polymerase Chain Reaction and Uracil DNA Glycosylase," <i>Gene</i> (1994) 146(2): 303-308.
A14	Fromenty et al., "Escherichia coli Exonuclease III Enhances Long PCR Amplification of Damaged DNA Templates," <i>Nucleic Acids Research</i> (2000) 28(11): e50.
A15	Kaluz, et al., "Directional Cloning of PCR Products Using Exonuclease III," <i>Nucleic Acids Research</i> (1992) 20(16): 4369-4370.
A16	Accession No. NC_000917 Klenk, et al., "Archaeoglobus Fulgidus Section 43 of 172 of the Complete Genome," <i>EMBL Sequence Database</i> (1997).
A17	Klenk, et al., "The Complete Genome Sequence of the Hyperthermophilic, Sulphate-Reducing Archaeon Archaeoglobus Fulgidus," <i>Nature</i> (1997) 390: 364-370.
A18	Accession No. AE001064, TrEMBLrel 029675 (1998); Exodeoxyribonuclease III (XTHA).
A19	Smith, et al., "Generation of Cohesive Ends on PCR Products by UDG-Mediated Excision of FU, and Application for Cloning Into Restriction Digest-Linearized Vectors," <i>PCR Methods and Applications</i> (1993) 2(4): 328-332.
A20	Zhu, et al., "The Use of Exonuclease III for Polymerase Chain Reaction Sterilization," <i>Nucleic Acids Research</i> (1991) 19(9):2511.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.